

**INSTALLATION AND OPERATION OF IGNITION
INTERLOCK DEVICES
USE OF OTHER VEHICLES
(Class A Misdemeanor¹)
VEHICLE AND TRAFFIC LAW 1198(7)(b)
(Committed on or after April 1, 1989)**

The ____ count is Use of Other Vehicles.

Under our law, no person shall knowingly rent, lease or lend a motor vehicle² to a person known to have had his or her driving privilege restricted to vehicles equipped with an ignition interlock device unless the vehicle is so equipped.³

Under our law some terms have their own special meaning. I will now give you the meaning of the term “knowingly.”

A person KNOWINGLY rents, leases, or lends a motor vehicle which is not equipped with an ignition interlock device when that person is aware that he or she is doing so.

¹ See VTL 1198(7)(c); Penal Law 55.10(2)(b).

² If in issue, the term “motor vehicle” is defined in the Vehicle and Traffic Law, with certain exceptions, as “every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power.” VTL §125 (exceptions omitted). The term “public highway” appearing in the definition of “motor vehicle” is itself separately defined in the Vehicle and Traffic Law as “[a]ny highway, road, street, avenue, alley, public place, public driveway or any other public way.” VTL § 134.

Note that the definition of “motor vehicle” for the purposes of ignition-interlock offenses such as the one here is narrower than the definition of “motor vehicle” for the purposes of drunk-driving-related offenses (*i.e.*, VTL § 1192 offenses). This is so because the drunk-driving statute expands the definition of “motor vehicle” to include not only vehicles operated or driven on a “public highway,” but also vehicles operated or driven on “private roads open to motor vehicle traffic and any other parking lot.” VTL § 1192(7).

³ The statute continues to state that: “Any person whose driving privilege is so restricted shall notify any other person who rents, leases, or loans a motor vehicle to him or her of such driving restriction.” The statute does not state that such requirement creates a presumption which would permit the jury to infer knowledge by the defendant of the driving restriction.

In order for you to find the defendant guilty of this crime, the People are required to prove, from all of the evidence in this case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), knowingly rented, leased or lent a motor vehicle which was not equipped with an ignition interlock device to (specify); and
2. That the defendant knew (specify)'s driving privileges were restricted to vehicles equipped with an ignition interlock device.

Therefore, if you find that the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of the crime of Use of Other Vehicles as charged in the ____ count.

On the other hand, if you find that the People have not proven beyond a reasonable doubt one or both of those elements, you must find the defendant not guilty of the crime of Use of Other Vehicles as charged in the ____ count.